

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

DANIEL A. BARNICLE,

Defendant.

: CASE NO. 1:04 CV 0552

:
:
:
: ORDER ADOPTING REPORT AND
: RECOMMENDATION TO REVOKE
: DEFENDANT'S BOND

UNITED STATES DISTRICT JUDGE LESLEY WELLS

On 29 July 2009, pursuant to an Order of this Court (Doc. 30), Magistrate Judge Kenneth S. McHargh held a bond violation hearing in this matter. Prompted by the 21 July 2009 bond violation report (Doc. 28), alleging that Mr. Barnicle failed to adhere to the conditions of his release by failing to appear for mental health counseling and fully administer all his prescribed medications, the Hearing convened the Defendant, his attorney, Kevin Cafferkey, AUSA Robert Kern, Mr. Barnicle's Pretrial Services Officer, Travis Jennings and Mr. Jennings Supervisor, Daniel Fynes.

Upon a review of the record and testimony at the hearing, Magistrate Judge McHargh found sufficient evidence to support a conclusion that Mr. Barnicle "violated the terms of his supervised release by failing to comply with the requirement to attend regular mental health counseling and to continue to take prescribed medication." (Doc. 32 at 3). Further, the "Magistrate Judge recommends that Mr. Barnicle's bond be revoked and that he be remanded to a facility where he can receive the necessary

mental health treatment and that his status be reevaluated after thirty days or upon further order of the court.”

No party has objected to Magistrate Judge McHargh’s Report and Recommendation. Therefore, it must be assumed that the parties are satisfied with it. Any further review by this Court would be a duplicative and inefficient use of the Court’s limited resources. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, Magistrate Judge McHargh’s Report and Recommendation is adopted. Mr. Barnicle’s bond is, hereby, revoked and he is remanded to a facility where he can receive the necessary mental health treatment. The Court will reevaluate his status after forty-five days.

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Date: 18 August 2009